

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

15 CV 4185

MARA HOFFMAN, INC.,  
a New York corporation

Plaintiff,

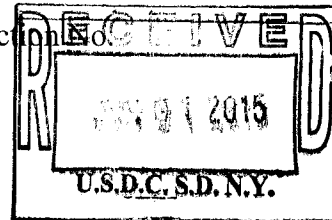
v.

VENUS FASHION, INC.,  
a Delaware corporation,

Defendant.

JUDGE BRODERICK

Civil Action No.



JURY TRIAL DEMANDED

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**COMPLAINT AND JURY DEMAND**

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Plaintiff Mara Hoffman, Inc. (hereinafter referred to as "Mara Hoffman") for its Complaint against defendants Venus Fashion, Inc. (hereinafter referred to as "Defendant") through its attorneys undersigned, alleges as follows:

**PARTIES**

1. Mara Hoffman is a corporation organized and existing under the laws of the State of New York, having a principal place of business at 866 Avenue of the Americas, 9<sup>th</sup> Floor, New York, New York 10001.

2. Upon information and belief, Venus Fashion, Inc. (hereinafter referred to as "Defendant") is a corporation organized and existing under the laws of the State of Delaware, having a principal place of business at 11711 Marco Drive, Jacksonville, Florida 32224.

3. Upon information and belief Defendant conducts business throughout the United States, including within the State of New York and this Judicial District, and, specifically, directs its advertising, solicits order from, and otherwise sells its clothing products directly to customers

4. Upon information and belief Defendant regularly and systematically sell products as well as infringing products directly to customers located within the State of New York and this Judicial District and also has entered into contractual relationships with persons and entities located within this State and Judicial District.

### **NATURE OF CLAIMS, JURISDICTION AND VENUE**

5. This is an action for copyright infringement arising under the Copyright Act of the United States, 17 U.S.C. section 101, *et seq.*

6. Jurisdiction of this Court is founded upon 28 U.S.C. sections 1331 and 1338(a).

7. Venue is proper in this Court pursuant to 28 U.S.C. sections 1391(b)(2), 1391(b)(3), 1391(c) and 1400(a) because Defendant resides or can be found in this Judicial District and has regular and systematic contacts with this Judicial District.

### **CLAIM FOR RELIEF COPYRIGHT INFRINGEMENT**

8. Mara Hoffman repeats and realleges the allegations set forth in paragraph 1 through 7 above, as though fully set forth herein.

9. This cause of action arises under Section 501 of the Copyright Act of 1976, 17 U.S.C. section 501.

10. Mara Hoffman is owner of a copyright in and to a work of visual art entitled “Cosmic Fountain”. A true and correct copy of a photograph depicting an example of Mara Hoffman’s “Cosmic Fountain” design is annexed to the Complaint as Appendix “A”.

11. Mara Hoffman is owner of United States Copyright Registration No. VAu 1-157-559 covering its “Cosmic Fountain” design. A true and correct copy of Certificate of Copyright Registration No. VAu 1-157-559 is annexed to the Complaint as Appendix “B”.

12. Defendant has infringed Mara Hoffman’s copyrighted “Cosmic Fountain” design by manufacturing, importing, displaying, distributing, selling, offering for sale, promoting and advertising women’s dresses which exploit, use or otherwise incorporate a substantially similar design unlawfully taken from Mara Hoffman’s copyrighted work.

13. Annexed to the Complaint as Appendix “C” is an image of one of Defendant’s dresses that infringe plaintiff’s copyrighted “Cosmic Fountain” design.

14. Defendant is exploiting Mara Hoffman’s copyrighted work without authorization or consent from Mara Hoffman.

15. On information and belief, the Defendant herein named had access to Mara Hoffman’s copyrighted work as same was on public display prior to infringement thereof.

16. Defendant had actual notice of Mara Hoffman’s copyright and copyright registration prior to its infringement thereof.

17. Defendant’s infringement of Mara Hoffman’s copyright was willful.

18. Defendant will, upon information and belief, continue to infringe Mara Hoffman’s “Cosmic Fountain” copyrighted design unless and until it is enjoined by this Court. Mara Hoffman has been and is likely to continue to be injured unless Defendant is enjoined. Mara Hoffman has no adequate remedy at law.

**JURY DEMAND**

Mara Hoffman demands a jury trial.

**WHEREFORE**, plaintiff Mara Hoffman demands judgment:

- a. Preliminarily and permanently enjoining Defendant, its officers, directors, managing agents, servants, employees and all others acting in concert or participation with them, from importing, distributing, advertising, promoting, selling, or offering for sale products which are copied from or substantially similar or identical to Mara Hoffman's copyrighted design which is the subject of United States Copyright Registration No. VAu 1-157-559;
- b. Requiring Defendant to recall all products which exploit or use designs substantially similar to Mara Hoffman's "Cosmic Fountain" design and thereafter destroy or turn over to Plaintiff all such recalled products;
- c. Requiring Defendant to pay Mara Hoffman's actual damages and any additional profits of said Defendant, pursuant to 17 U.S.C. section 504(b);
- d. Requiring Defendant to pay to Mara Hoffman statutory damages and an increase of such award resulting as a consequence of Defendant's willful acts of infringement pursuant to 17 U.S.C. section 504(c);
- e. Requiring Defendant to deliver to Plaintiff for impoundment and destruction all infringing articles as well as all plates, screens, matrices, masters, tapes, film negatives, data or other articles by means of which such copies may be reproduced, for destruction pursuant to 17 U.S.C. sections 503 and 509;
- f. Requiring Defendant to pay Mara Hoffman's reasonable attorneys' fees and costs of this action because of the exceptional nature of this case, pursuant to 17 U.S.C. section 505; and
- g. Granting such other and further relief as this Court deems just and proper.

Dated: June 1, 2015  
New York, New York

Respectfully submitted,

s/Joseph T. Murray

Joseph T. Murray (JM 3564)

Charles E. Baxley (CB 8486)

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*Attorneys for Plaintiff*

*Mara Hoffman, Inc.*



APPENDIX “A”

## Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, *United States Code*, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

*Maria A. Pallante*

Register of Copyrights, United States of America

Registration Number  
**Vau 1-157-559**

Effective date of  
registration:

December 18, 2013

### Title

**Title of Work:** MARA HOFFMAN SPRING SWIM 2014 COLLECTION

**Contents Titles:** A collection of designs, including:

Cosmic Fountain Bag; Devine Bag; Cosmic Fountain B/W; Cosmic Fountain Black; Cosmic Fountain Seafoam; Cosmic Fountain Embroidery Black; Cosmic Fountain Embroidery Black Strap; Cosmic Fountain Embroidery Turquoise Strap; Cosmic Fountain Embroidery Turquoise; Cosmic Fountain Romper; Cosmic Fountain Bustier; Devine Beading; Devine Modal B/W; Devine Modal Black; Devine Modal Stone; Devine Spandex B/W; Devine Spandex Black; Devine Spandex Stone; Jungle Trip B/W; Jungle Trip Digital; Jungle Trip Spandex B/W; Jungle Trip Spandex Blue; Jungle Trip Spandex Red; Kites Modal B/W; Kites Modal Pink; Kites Modal Teal; Kites Spandex B/W; Kites Spandex Pink; and Kites Spandex Teal

### Completion/Publication

**Year of Completion:** 2013

### Author

■ **Author:** Mara Hoffman, Inc.

**Author Created:** 2-D artwork

**Work made for hire:** Yes

**Citizen of:** United States

### Copyright claimant

**Copyright Claimant:** Mara Hoffman, Inc.

866 Ave. of the Americas - 9th Floor, New York, NY, 10001, United States

### Rights and Permissions

**Organization Name:** Hart, Baxley, Daniels & Holton

**Name:** Joseph T. Murray

**Email:** jtm@hartbaxley.com

**Telephone:** 212-791-7200

**Address:** 90 John Street - Suite 403

New York, NY 10038-3242 United States

**Certification**

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**Name:** Joseph T. Murray

**Date:** December 18, 2013

**Applicant's Tracking Number:** 19681 B

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APPENDIX “C”